

1 10A NCAC 13F .1604 is adopted with changes as published in 22:11 NCR, pp. 938-942, as follows:

2
3 **10A NCAC 13F .1604 RATING CALCULATION**

4 (a) Ratings shall be based on:

- 5 (1) Inspections completed pursuant to G.S. 131D-2(b)(1a)a;
6 (2) Statutory and Rule requirements contained in Rule ~~.1603~~, .1603 of this Section;
7 (3) Type A or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
8 (4) Other items ~~contained~~ listed in Subparagraphs (c)(1) and (c)(2) of this Rule.

9 (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which
10 results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule
11 ~~.1602(a)~~, .1602(a) of this Section.

12 (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual
13 inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or
14 subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

15 (1) Merit Points

- 16 (A) If the facility corrects citations of noncompliance with the statutes or rules listed in Rule
17 .1603 of this Subchapter, which are not related to the identification of a Type A violation
18 or an uncorrected Type B violation, the facility shall receive 1.25 merit points for each
19 corrected deficiency;
20 (B) If the facility receives ~~only standard~~ citations on its annual inspection with no Type A or
21 Type B violations and the rating from the annual inspection is one ~~star~~, or zero stars, the
22 facility may request DHSR to conduct a follow-up inspection not less than 60 days after
23 the date of the annual inspection. The follow-up inspection will be completed depending
24 upon the availability of DHSR staff. As determined by the follow-up review, the facility
25 shall receive 1.25 merit points for each corrected deficiency;
26 (C) If the facility corrects the citation for which a Type A violation was identified, the facility
27 shall receive ~~5 2.5 merit points~~, points and shall receive an additional 2.5 merit points
28 following the next annual inspection if no further Type A violations are identified;
29 (D) If the facility corrects a previously uncorrected Type B violation, the facility shall receive
30 ~~2.5~~ 1.25 merit points;
31 (E) If the facility's admissions have been suspended, the facility shall receive 5 merit points
32 if the suspension is removed;
33 (F) If the facility participates in any quality improvement program approved by the
34 Department, the facility shall receive 2.5 merit points;
35 (G) If the facility receives NC NOVA special licensure designation, the facility shall receive
36 2.5 merit points;

(H) On or after the effective date of this Rule, if the facility permanently installs a generator or has a contract with a generator provider to provide emergency power for essential functions of the facility, the facility shall receive 2 merit points. For purposes of this Section, essential functions mean those functions necessary to maintain the health or safety of residents during power outages greater than 6 hours. If the facility has an existing permanently installed generator or an existing contract with a generator provider, the facility shall receive 1 merit point for maintaining the generator in working order or continuing the contract with a generator provider; and

(I) On or after the effective date of this Rule, if the facility installs automatic sprinklers in compliance with the North Carolina Building Code, the facility shall receive 3 merit points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit points for subsequent ratings for maintaining the automatic sprinklers in good working order.

(2) Demerit Points

(A) For each citation of noncompliance with the statutes or rules listed in Rule .1603 of this Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive demerit points only once for citations in which the findings are identical to those findings used for another citation;

(B) For each citation of a Type A violation, the facility shall receive a demerit of 10 points;

(C) For each citation of a Type B violation, the facility shall receive a demerit of 3.5 points and if the Type B violation remains uncorrected ~~Type B violation~~, as the result of a follow-up inspection, the facility shall receive a an additional demerit of ~~5~~ 3.5 points;

(D) If the facility's admissions are suspended, the facility shall receive a demerit of 10 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-4.2, the facility shall not receive any demerit points; and

(E) If the facility receives a notice of revocation against its license, the facility shall receive a demerit of ~~45~~ 31 points.

(d) Facilities shall be given a rating of ~~one zero~~ to four stars depending on the score assigned pursuant to Paragraph (a), (b) or (c) of this Rule. Ratings shall be assigned as follows:

(1) Four stars shall be assigned to any facility whose score is 100 points or greater ~~and has received NC NOVA special licensure designation; on two consecutive annual inspections;~~

(2) Three stars shall be assigned for scores of 90 – 99.9 points;

(3) Two stars shall be assigned for scores of 80 – 89.9 points; ~~and~~

(4) One star shall be assigned for scores of ~~79.9 70 – 79.9 points or lower. points; and~~

(5) Zero stars shall be assigned for scores of 69.9 points or lower.

History Note: Authority G.S. 131D-4.5; 131D-10;

